

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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COURTNEY LINDE et al., :  
:  
Plaintiffs, : **ORDER**  
:  
- against - : 04 Civ. 2799 (BMC) (VVP)  
ARAB BANK, PLC, : and related cases<sup>1</sup>  
:  
Defendant. :  
:  
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**COGAN**, District Judge.

Before me is defendant's [1199] motion to amend the Court's Trial Management Order dated December 10, 2014 ("Order"). With one exception, discussed below, discovery will proceed as provided in the Order.

Defendant contends that it will be prejudiced by having to designate all witnesses it wants to depose by January 7, 2015, and because this list must be filed before plaintiffs' deadline to produce their responsive documents and records. However, as defendant recognizes, the Court is mindful that the discovery process may lead to other witnesses that defendant wishes to depose. As a result, the Order allows defendant to supplement its witness list for good cause shown. If the number of additional witnesses to be deposed is substantial, the Court will consider extending the discovery schedule at the appropriate time.

In addition, defendant's concern that third-party providers may not timely produce documentation is premature. If it proves to be the case, then defendant may, on short notice,

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<sup>1</sup> The following related cases have been consolidated with this case for the purposes of discovery and other pretrial proceedings: Philip Little, et al. v. Arab Bank, PLC, 04-CV-5449; Oran Almog, et al. v. Arab Bank, PLC, 04-CV-5564; Robert L. Coulter, Sr., et al. v. Arab Bank, PLC, 05-CV-365; Gila Afriat-Kurtzer, et al. v. Arab Bank, PLC, 05-CV-388; Michael Bennett, et al. v. Arab Bank, PLC, 05-CV-3183; Arnold Roth, et al. v. Arab Bank, PLC, 05-CV-03738; Stewart Weiss, et al. v. Arab Bank, PLC, 06-CV-1623.

move by order to show cause to hold such providers in contempt, which will undoubtedly result in the swift production of documents.

Similarly, defendant argues that the Order does not require plaintiffs to authorize the release of certain records or provide for independent medical examinations. Curiously, defendant does not say that it has requested such authorizations. Nothing in the Order precludes defendant from requesting the authorizations or conducting independent medical examinations. Plaintiffs know the timetable too, so if they delay in getting necessary information to defendants, or making themselves available for examination, then defendant may seek an extension. But defendant is not going to render the timetable infeasible by sitting back and waiting for plaintiffs to act.

Finally, Paragraph 2 of the Order is hereby modified so that depositions of treating physicians and other health professionals are to be completed by March 13, 2015. The remaining expert discovery deadlines are unchanged.

**SO ORDERED.**

/s/(BMC)

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U.S.D.J. ✓

Dated: Brooklyn, New York  
December 16, 2014